THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13146 of 2006

Dated: 31.08.2006

Between
D.Venkata Ananthaiah

…..Petitioner

and

1.The Joint Collector, Krishna, Machilipatnam
and others.
Hyderabad rep., by its Chairman.

….Respondents

W.P.No.14527 of 2006

Between

Y.V.Ramaiah

…Petitioner

and

1.Mandal Revenue Officer, Bapulapadu Mandal,

Bapulapadu, Krishna District and another

..Respondents.

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13146 of 2006 and W.P.No.14527 of 2006

COMMON ORDER:

With the consent of both the parties, these two writ petitions are disposed of at the interlocutory stage itself.

WP No.13146 of 2006 is filed by one D.Venkata Ananthaiah being aggrieved by the orders passed by the 3rd respondent, complaining that though the 2nd respondent-Revenue Divisional Officer, Nuzvid granted stay against the suspension of Kerosene hawkership against shop No.23 of Bandarugudem village, by the Mandal Revenue Officer, the same was not implemented. In spite of directions issued by the 1st respondent-Joint Collector, Krishna, also vide his file No.A1/363/2005 dated 25.7.2005, the kerosene hawkership is not restored and kerosene supply is not made to him.

There is no necessity to go into all the details. It is suffice to notice that by an order dated 7.6.2005 the Mandal Revenue Officer, Bapulapadu made alternative arrangements for supply of kerosene oil

to the card holders for the fair price shop No.23 of Bandarugudem village, Bapulapadu Mandal, Krishna District. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent- Revenue Divisional Officer, Nuzvid, who granted stay of the orders passed by the Mandal Revenue Officer, dated 7.6.2005. In spite of that, the petitioner was not supplied with kerosene . Therefore, he had approached the Joint Collector for a direction to implement the orders passed by the Revenue Divisional Officer on 18.6.2005. The Joint Collector after considering the matter by an endorsement dated 25.7.2005 directed the Mandal Revenue Officer to implement the stay orders issued by the Revenue Divisional Officer Nuzvid. When the stay orders were not implemented, he approached this Court by way of filing the present writ petiton.

While admitting the writ petiton, this court granted interim direction as prayed for. Meanwhile, it seems that on 11.7.2005, the Revenue Divisional Officer vacated the stay granted on 18.6.2005. But, nonetheless on the directions of the Joint Collector, the authorization of the petitioner was restored by an order dated 1.7.2006. Aggrieved by the same, another writ petiton No.14527 of 2006 is filed by a person, in whose favour the alternative arrangement made by an

order dated 7.6.2005. It is his contention that the stay order granted by the Revenue Divisional officer was vacated on 11.7.2005. Therefore, implementing the order passed by the Joint Collector dated 25.7.2005 and 12.9.2005 does not arise. Therefore, the impugned order is illegal and arbitrary.

It is unfortunate that the order dated 11.7.2005 was passed without putting the petitioner in WP No.13146 of 2006 on notice. It seems that under those circumstances, the Joint Collector by his orders dated 25.7.2005 and 12.9.2005 directed implementation of the stay orders granted by the Revenue Divisional Officer on 18.6.2005.

I am of the opinion that the impugned order passed in WP No.14527 of 2006 does not suffer from any legal infirmities. Apart from that, the petitioner in W.P.No.14527 of 2006 has no legal right whatsoever. It was only an alternative arrangement made by the Mandal Revenue Officer, which was cancelled through the impugned order in other writ petition No. 13146 of 2006. Hence, the writ petition No.14527 of 2006 is liable to be dismissed.

Accordingly, the W.P.No.14527 of 2006 is dismissed. The

writ petition No.13146 of 2006 is allowed. No costs.

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31.08.2006

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